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Filing date: **01/05/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178464
Party	Plaintiff Head Technology GmbH
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Submission	Motion to Consolidate
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Date	01/05/2009
Attachments	Motion to Consolidate.pdf ( 4 pages )(121609 bytes )



Opposition No. 91186116 is a consolidated opposition involving application Serial No. 78845988 for BED HEAD IT'S A LIFESTYLE!, Serial No. 78845962 for BED HEAD IT'S A LIFESTYLE!, and Serial No. 78846067 BED HEAD TIGI IT'S A LIFESTYLE! all owned by MBL/TIGI Products, LP.

Opposition No. 91178464 involves application Serial No. 78844705 for BED HEAD owned by MBL/TIGI Products, LP.

As grounds for opposition in both Opposition No. 91178464 and consolidated Opposition No. 91186116, Opposer has alleged likelihood of confusion and dilution based on Opposer's registered and common law rights in its HEAD marks, including but not limited to Reg. Nos. 675190, 1020388, 1677425, 1695827, 1762980, and 2045422 for the HEAD mark, and Reg. No. 871815 for the mark HEAD & Design.

The parties are currently discussing a settlement of the pending matters, and they have exchanged revisions to a draft settlement agreement. In addition, Opposer has recently learned that there are numerous other pending applications which may also be involved in the settlement discussions, and in potential oppositions. At this stage, consolidation of the oppositions will reduce the number of filings before the Board, and assist both the Board and the parties in maintaining all of the cases on the same schedule.

In addition, given the similarity of the marks at issue, the similar grounds for opposition, much of the discovery and evidence at trial will likely be the same in all of the cases in the event that a settlement is not reached. If proceedings move forward, the parties are likely to present the same arguments and evidence in all proceedings. Absent consolidation, both parties will be compelled to continue with piecemeal

discovery and prosecution of separate proceedings. Accordingly, consolidation of these cases will result in a significant savings of time and resources for both the parties and the Board. Moreover, both of the proceedings are essentially at the same stage of early discovery.

Accordingly, Opposer respectfully requests that the Board grant its Motion to Consolidate Opposition Nos. 91178464 and 91186116. Further, Opposer respectfully requests that the Board reset the dates for all proceedings to reflect the current schedule in Consolidated Opposition No. 91186116 as indicated below:

Initial Disclosures Due	February 9, 2009
Expert Disclosures Due	June 9, 2009
Discovery Closes	July 9, 2009
Plaintiff's Pretrial Disclosures	August 23, 2009
Plaintiff's 30-day Trial Period Ends	October 7, 2009
Defendant's Pretrial Disclosures	October 22, 2009
Defendant's 30-day Trial Period Ends	December 6, 2009
Plaintiff's Rebuttal Disclosures	December 21, 2009
Plaintiff's 15-day Rebuttal Period Ends	January 20, 2010

These requests are made in good faith and are not for the purpose of mere delay.

Date: January 5, 2009

Respectfully submitted,



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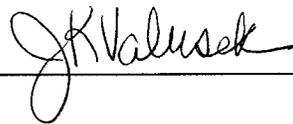
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**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing Motion to Consolidate was served, via email and prepaid First Class Mail, on January 5, 2009 upon counsel for Applicant, MBL/TIGI Products, LP, at the following address:

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